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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,962	08/22/2001	Santhana Krishnamachari	PHA 23-431A	9618

7590 02/26/2002

Corporate Patent Counsel
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EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 02/26/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,962

Applicant(s)

KRISHNAMACHARI, SANTHANA

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US 6285995 to Abdel-Mottaleb (see, col. 8-10 for local color histogram, color center, and color quantization).
3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6181818 to Sato et al.

As to claim 1, Sato discloses a method for charactering an image comprising:
partitioning the image into a plurality of partitions with color pixels (col. 25 lines 25-50); and

determining a frequency of occurrence of each color within the partitions (col. 25 , lines 46-50).

As to claim 2, Sato further discloses quantizing the color (col. 25 lines 51-62).

As to claim 3, Sato further discloses the steps o f:

identifying colors based on the local color histograms (col. 25 lines 46-50); and
charactering the image based on the colors (col. 25, lines 12-50).

As to claim 4, Sato further discloses the steps of :

identifying the color centers (col. 30 lines 15-23); and
determining the color based on the color distance (col. 30 lines 15-40 and col. 24, lines 4-19).

As to claim 5, the discussion is addressed with regard to claim 3.

As to claim 6, Sato discloses a method of comparing a first image to a second image, comprising:

partitioning first and second image (col. 25, lines 12-45);
determining/creating local color histograms for the partitions (col. 25 line 46-col 26 line 61); and
comparing the color histograms of the two images (col. 25, line 47-col. 28 line 20).

As to claims 7-10, the discussions are addressed with regard to claim 2-4.

As to claims 11-15, the discussions are addressed with regard to 1-10.

As to claim 16, Sato discloses a system for comparing a first image to a second image, comprising,

a similar color determinator (col. 27 line 41-col. 28 lines 20) that is to determine:
a mapping between two set of colors of the two images (col. 28 lines 3-20, and col. 30, lines 16-40); and
the similarity determinator comparing the two images based on the local histograms to determine the similarity measure (col. 28, lines 3-20 and col. 30, lines 16-40).

As to claim 17, Sato further discloses the accumulator (buffer 246) to provide the image similarity measure (col. 28, lines 3-20), other elements are addressed with regard to claim 16.

As to claim 18, Sato further discloses the similarity measure is determined by calculating the color distances (col. 24 lines 3-19 and col. 28 lines 3-20).

As to claims 19-20, the discussions are addressed with regard to 2-4.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 613622 to Abdel-Mottaleb et al, and US 6182069 to Niblack et al. disclose methods and systems for color image retrieval.

Contact Information

2. Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Patent Examiner

Art Unit 2623

2/23/02